

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

July 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

(Kauai)

Consent to Assign General Lease No. SP-144, Mary
Summers, Assignor, to Bradley Soria and Margaret Soria,
Assignee

APPLICANT:

Mary Summers, Assignor, to Bradley Soria and Margaret
Soria, Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 71, Waimea (Kona), Kauai, Tax Map Key: (4) 1-4-004:0062,
as shown on the attached map labeled Exhibit A.

AREA:

.53 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CHARACTER OF USE:

Recreation - residence.

ITEM E10

TERM OF LEASE:

20 years, commencing January 1, 2009, and expiring on December 31, 2029. There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$3000.00.

CONSIDERATION:

\$3000.00.

RECOMMENDED PREMIUM:

None.

DCCA VERIFICATION:

N/A because all persons involved are individuals and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

Mary Summers held the previous lease covering the property.

Act 223 (2008) and board action directed staff to negotiate new leases with existing permit holders so the new lease was issued to Mary Summers who now wishes to assign to Bradley Soria and Margaret Soria.

Lessee is in compliance with all lease terms and conditions. There have been no prior defaults.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. SP-144 from Mary Summers, Assignor, to Bradley Soria and Margaret Soria, Assignee, subject to the following:

1. No premium to be charged;
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

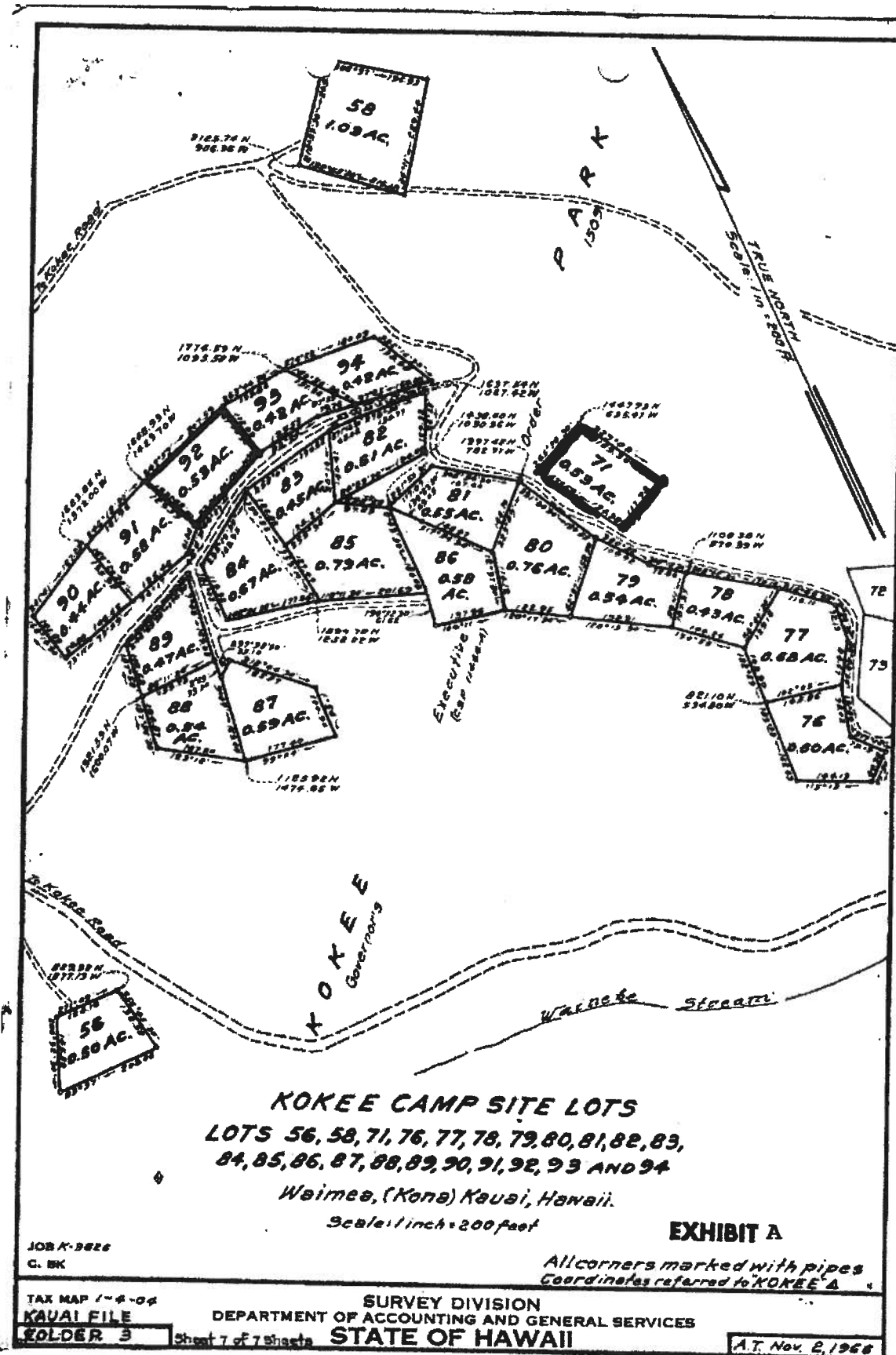


Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



June 9, 2009

Board of Land and Natural Resources
c/o State Parks Division
P.O. Box 621
Honolulu, HI

RECEIVED
STATE PARKS DIV

'09 JUN 25 A11:15

DEPT OF LAND &
NATURAL RESOURCES

Dear Board Members

I am Mary Summers, the current holder of General Lease # SP-0144 for the Kōke'e premises identified on my lease as Lot 71, Waimea, Kaua'i, TMK (4) 1-4-004:062 (although the map and survey description provided with my lease pertain to Lot 72). (Note: correct map is attached as Exhibit A.)

I would like to assign my lease to Mr. & Mrs. Bradley (Margaret) Soria for the following reasons: due to my increased work duties, I am no longer able to spend as much time up Kōke'e as I could when I took on the lease. Because of the infrequency of my visits, the cabin was in danger of falling into disrepair and it was burglarized at least three times, that I know of, in my nine years' tenure there. Brad and his family have used my cabin from time-to-time over the past few years. There has been no money exchanged for these stays; instead, while staying there, they have replaced the floor coverings, repaired the roof, and cleared invasive ginger out of the yard. They have showered the care on the cabin that it deserves. They have indicated an interest in taking over the lease, and I feel I owe it to the cabin to assign the lease to these people who have shown their love for it.

Since they will be the only ones to have used the cabin this year, they have offered to repay me this year's lease of \$3,000; that will be the only consideration paid for the transfer. I have discussed with them the terms of the lease, including the surety bond and insurance, and they are willing to enter into the same agreement with the State.

I hereby petition the Board to approve this request to assign my lease to Bradley and Margaret Soria.

Sincerely,



Mary Summers